

1 10A NCAC 14C .1403 is proposed as a temporary rule as follows:

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3 **10A NCAC 14C .1403 PERFORMANCE STANDARDS**

4 (a) An applicant shall demonstrate that the proposed project is capable of meeting the following standards:

- 5 (1) an applicant proposing a new Level I ~~or Level II services, or additional Level II beds~~ nursery shall
6 demonstrate that the occupancy of the applicant's ~~total number of neonatal beds~~ proposed
7 unlicensed bassinets is projected to be at least 50% during the first year of operation and at least
8 65% during the third year of operation following completion of the proposed project;
- 9 (2) if an applicant proposes an increase in the number of the facility's existing Level II, Level III or
10 Level IV beds, the overall average annual occupancy of the total number of existing Level II,
11 Level III and Level IV beds in the facility is at least 75%, over the 12 months immediately
12 preceding the submittal of the proposal; and
- 13 (3) if an applicant is proposing to develop new or additional Level II, Level III or Level IV beds, the
14 projected occupancy of the total number of Level II, Level III and Level IV beds proposed to be
15 operated during the third year of operation of the proposed project shall be at least 75%.
- 16 (4) The applicant shall document the assumptions and provide data supporting the methodology used
17 for each projection in this rule.

18 (b) If an applicant proposes to develop a new Level III or Level IV service, the applicant shall document that an
19 unmet need exists in the applicant's defined neonatal service ~~area~~. area, unless the State Medical Facilities Plan
20 includes a need determination for neonatal beds in the service area. The need for Level III and Level IV beds shall
21 be computed for the applicant's neonatal service area by:

- 22 (1) identifying the annual number of live births occurring at all hospitals within the proposed neonatal
23 service area, using the latest available data compiled by the State Center for Health Statistics;
- 24 (2) identifying the low birth weight rate (percent of live births below 2,500 grams) for the births
25 identified in (1) of this Paragraph, using the latest available data compiled by the State Center for
26 Health Statistics;
- 27 (3) dividing the low birth weight rate identified in (2) of this Paragraph by .08 and subsequently
28 multiplying the resulting quotient by four; and
- 29 (4) determining the need for Level III and Level IV beds in the proposed neonatal service area as the
30 product of:
- 31 (A) the product derived in (3) of this Paragraph, and
- 32 (B) the quotient resulting from the division of the number of live births in the initial year of
33 the determination identified in (1) of this Paragraph by the number 1000.

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35 *History Note: Authority G.S. 131E-177(1); 131E-183(b);*
36 *Temporary Adoption Eff. September 1, 1993 for a period of 180 days or until the permanent rule*
37 *becomes effective, whichever is sooner;*

1 *Eff. January 4, 1994;*
2 *Temporary Amendment Eff. March 15, 2002;*
3 *Amended Eff. April 1, 2003;*
4 *Temporary Amendment Eff. February 1, 2009.*